

10-30-06

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Docket No: ACY 33,386 D1  
Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of G. Hancock and P. Tebbey  
Application of:  
Application No.: 10/783,455 Group Art No.: 1648  
Filed: Feb. 20, 2004 Examiner: Hill, Myron G.  
For: ENHANCED IMMUNE RESPONSE TO ATTACHMENT (G) PROTEIN  
OF RESPIRATORY SYNCYTIAL VIRUS  
Confirmation No.: 1506  
Customer Number: 25291

Mail Stop Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

October 27, 2006

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This paper is in response to the Restriction Requirement set forth in the Office Action mailed October 6, 2006.

The Examiner has required restriction between the following inventions in the above-identified application:

**CERTIFICATE OF MAILING 37 CFR §1.10**

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number ER672186941US addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date

October 27, 2006

Ann Peterson

- I. Claims 9, 12-18, 41, 42, and 51-55, drawn to a nucleic acid with an altered RSV G gene coding sequence or immunogenic composition or organism containing said sequence and method of using it, classified in class 536, subclass 23.72.
- II. Claims 43 and 56-60, drawn to a method of producing an immune response by administering an attenuated organism comprising an altered RSV-G protein, classified in class 424, subclass 204.1.

In response to this Restriction Requirement, Applicant(s) hereby elect(s) Claims 9, 12-18, 41, 42, and 51-55, of Group 1 for continued examination and prosecution on the merits, without traverse.

#### Species Elections

Applicant has been asked to provide (i) an election of species and (ii) to identify those claims encompassed by the elected invention. Therefore, Applicants election of species is for nucleic acids encoding SEQ ID NO:19. This election is encompassed by claims 9, 12-18, 41, 42, and 51-55.

It is Applicants' understanding that upon allowance of any generic claim, the Applicant will be entitled to consideration of additional species claims that depends from or otherwise includes all the limitations of the allowable generic claim.

Applicant believes no additional fees are due with this statement. However, if a fee is due, please charge our Deposit Account No. 01-1425 from which the undersigned is authorized to draw.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Darrell Fontenot", is written over a horizontal line.

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